

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. <u>06-067</u>
v.	:	DATE FILED: <u>2/14/06</u>
ANTHONY ELLERBY,	:	VIOLATIONS:
a/k/a Anthony Ellerney,	:	21 U.S.C. §841(a)(1) (distribution of
a/k/a “Tony”	:	cocaine base (“crack”)) - 1 count
	:	21 U.S.C. § 841(a)(1) (possession with
	:	intent to distribute 5 grams or more of
	:	cocaine base (“crack”) - 1 count)
	:	18 U.S.C. § 924(c)(1) (possession of a
	:	firearm in furtherance of a drug
	:	trafficking crime - 1 count)
	:	18 U.S.C. § 922(g)(1) (possession of
	:	a firearm by a convicted felon - 1 count)
		Notice of forfeiture

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

On or about July 29, 2005, in Philadelphia, in the Eastern District of
Pennsylvania, defendant

ANTHONY ELLERBY,
a/k/a Anthony Ellerney,
a/k/a “Tony,”

knowingly and intentionally distributed a mixture and substance containing a detectable amount
of cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(C).

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about July 30, 2005, in Philadelphia, in the Eastern District of
Pennsylvania, defendant

**ANTHONY ELLERBY,
a/k/a Anthony Ellerney,
a/k/a “Tony,”**

knowingly and intentionally possessed with intent to distribute five grams or more, that is,
approximately 5.85 grams, of a mixture and substance containing a detectable amount of cocaine
base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Section 841(a)(1), (b)(1)(B).

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about July 30, 2005, in Philadelphia, in the Eastern District of
Pennsylvania, defendant

**ANTHONY ELLERBY,
a/k/a Anthony Ellerney,
a/k/a “Tony,”**

knowingly possessed a firearm, that is, a New England Firearms 20 gauge short-barreled
shotgun, Model Pardner SB1, with an obliterated serial number, with an overall length of 19 3/8
inches, loaded with one live round of ammunition, in furtherance of a drug trafficking crime for
which he may be prosecuted in a court of the United States, that is, possession with the intent to
distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

In violation of Title 18, United States Code, Section 924(c)(1).

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about July 30, 2005, in Philadelphia, in the Eastern District of
Pennsylvania, defendant

**ANTHONY ELLERBY,
a/k/a Anthony Ellerney,
a/k/a “Tony,”**

having been previously convicted in a court of the Commonwealth of Pennsylvania of an offense punishable by imprisonment for a term exceeding one year, knowingly possessed, in and affecting interstate commerce, a firearm, that is, a New England Firearms 20 gauge short-barreled shotgun, Model Pardner SB1, with an obliterated serial number, with an overall length of 19 3/8 inches, loaded with one live round of ammunition.

In violation of Title 18, United States Code, Sections 922(g)(1) and 924(e).

NOTICE OF FORFEITURE

1. As a result of the violations of Title 18, United States Code, Sections 924(c)(1) and 922(g)(1), set forth in this indictment, the defendant

**ANTHONY ELLERBY,
a/k/a Anthony Ellerney,
a/k/a “Tony,”**

shall forfeit to the United States of America, the firearm and ammunition involved in the commission of this offense, including, but not limited to:

(1) a New England Firearms 20 gauge short-barreled shotgun, Model Pardner SB1, with an obliterated serial number, with an overall length of 19 3/8 inches, and three live shotgun shells.

All pursuant to Title 28, United States Code, Section 2461(c), and Title 18, United States Code, Section 924(d).

2. As a result of the violations of Title 21, United States Code, Section 841(a)(1), set forth in this indictment, the defendant

**ANTHONY ELLERBY,
a/k/a Anthony Ellerney,
a/k/a “Tony,”**

shall forfeit to the United States of America:

a. any property constituting or derived from proceeds obtained directly or indirectly from the commission of such offenses; and

b. any property used or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such offenses.

3. If any of the property subject to forfeiture, as a result of any act or

omission of defendant:

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third party;
- (3) has been placed beyond the jurisdiction of the Court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the property subject to forfeiture.

All pursuant to Title 21, United States Code, Section 853.

A TRUE BILL:

FOREPERSON

PATRICK L. MEEHAN
United States Attorney